

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JASON ALLEN MAGGARD,

Petitioner,

No. CIV S-04-2196 GEB KJM P

vs.

PEOPLE OF THE STATE
OF CALIFORNIA, et al.,

Respondents,

ORDER

On April 15, 2005, plaintiff filed an opposition to defendants' motion to dismiss. That document was not served on defendants. Plaintiff is advised that every document submitted to the court for consideration must be served on defendants. Fed. R. Civ. P. 5. Documents not to be served electronically are usually served by placing a copy in the U.S. mail. If an attorney has filed a document with the court on behalf of any defendant, then documents submitted by plaintiff must be served on that attorney and not on the defendant. Every document submitted conventionally to the court (e.g., by a prisoner proceeding pro se) must include a certificate stating the date an accurate copy of the document was mailed to defendants or their attorney and the address to which it was mailed. See Local Rule 5-135(b) and (c).

1 Accordingly, IT IS HEREBY ORDERED that within fifteen days from the date of
2 this order plaintiff shall serve a copy of plaintiff's opposition to the motion to dismiss on counsel
3 for defendants and shall file proper proof of said service. Plaintiff is cautioned that failure to
4 comply with this order may result in the imposition of sanctions. Plaintiff is further cautioned
5 that failure to serve any documents subsequently filed in this action properly, and failure to
6 include a proper certificate of service with such filing, may result in a recommendation that this
7 action be dismissed.

8 DATED: May 3, 2005.

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12 UNITED STATES MAGISTRATE JUDGE
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